

**Amendment and Response**

Applicant: Travis J. Parry

Serial No.: 10/037,867

Filed: October 24, 2001

Docket No.: 10006775-1

Title: NETWORK SYSTEM AND METHOD FOR AUTOMATIC POSTING OF DIGITAL IMAGES

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**REMARKS**

The following remarks are made in response to the Non-Final Office Action mailed March 30, 2005. Claims 1-17, 19-21, 24-29, 34, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savitzky et al., U.S. Patent No. 6,571,271 ("Savitzky") in view of Fredlund et al., U.S. Patent No. 6,812,962 ("Fredlund"). Claims 18, 22-23, 30-33, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savitzky and Fredlund as applied to claims 5, 17, 19, and 28 above and further in view of "ImageWeb Integrated Printer Web Server" ("ImageWeb"). Claims 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over "ImageWeb" in view of Savitzky.

With this Response, claims 22, 27, 28, 35, and 39 have been amended and claim 43 has been added. Claims 1-43 are pending in the application and are presented for reconsideration and allowance.

**Interview Summary**

On March 17, 2005, a telephonic interview took place between Examiner Neurauter, Jr., and Steven Dicke. An agreement was reached with respect to claim 27, specifically that the subject matter inadvertently added to the end of claim 27 was agreed to be cancelled from the claim. The amendment to claim 27 is confirmed in this Response. Additionally, the subject matter cancelled from claim 27 has been added in the form of newly presented dependent claim 43.

**35 U.S.C. §112, Second Paragraph, Rejections**

On page 2 of the Office Action, the Examiner rejected claims 22 and 35 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With this Amendment, claims 22 and 35 have been amended such that there is proper antecedent basis for all claimed elements. In particular, with reference to claim 22, the phrase "the sender interface" has been changed to "a sender interface". With reference to claim 35, the dependency of this claim has been changed such that claim 35 now depends from claim 30, thereby providing proper antecedent basis for all claimed elements.

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It is respectfully requested that the rejection of claims 22 and 35 under 35 U.S.C. §112, second paragraph, be withdrawn.

**35 U.S.C. §103 Rejections**

On pages 3-15 of the Office Action, the Examiner rejected claims 1-17, 19-21, 24-29, 34, and 37 under 35 U.S.C. §103(a) as being unpatentable over Savitzky in view of Fredlund.

Savitzky fails to disclose printing an image on a sender printer, and automatically posting the image to a network site via the sending printer, as claimed. Rather, Savitzky discloses utilizing a kiosk system 500 which includes a user removing a memory card 502 from digital camera 120 and inserting the memory card 502 into a slot 506 in kiosk 504. Kiosk 504 will then automatically download the image stored on image memory card 502 to image server 100 comprising a hard disk 102 for image storage (see Savitzky at column 3, line 44-column 4, line 6 and column 2, lines 18-20). The images which are stored on hard disk drive 102 are then uploaded through Internet 510 to an image server 512 (see Savitzky at column 4, lines 1-2). Thus, Savitzky discloses downloading images to a storage device of a computer and then uploading the images from the storage device to the Internet. Savitzky does not disclose any type of printer or other means, especially a sender printer, capable of both printing the image and automatically posting the image to a network site, as claimed in independent claim 1.

Fredlund also fails to disclose printing the image on a sender printer, and automatically posting an image to a network site via the sender printer, as claimed. Rather, Fredlund discloses that digital images may be printed at a local retail kiosk where the digital image files are transferred to an internal computer or a printer (see Fredlund at column 1, lines 49-50). However, while a generic local printer is disclosed, Fredlund does not disclose both printing an image on the sender printer and automatically posting the image to a network site via the sender printer, as claimed in independent claim 1.

Therefore, one skilled in the art cannot combine the teachings of Savitzky and Fredlund and arrive at the invention of claim 1. It is believed that independent claim 1 is patentably distinguishable over the cited art.

On page 4 of the Office Action, the Examiner indicated that claim 38 is rejected since claim 38 recites a computer-readable medium that contains substantially the same limitations

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as recited in claim 1. Independent claim 38 specifically claims a computer-readable medium having computer-executable instructions for performing a method of automated posting of an image to a network site, where the method comprises printing the image on the sender printer, and automatically posting the image to a network site via the sender printer.

As previously discussed with reference to independent claim 1, neither Savitzky nor Fredlund, taken individually or in combination, discloses printing an image on a sender printer, and automatically posting the image to a network site via the sender printer. Therefore, one skilled in the art cannot combine the teachings of Savitzky and Fredlund and arrive at the invention of claim 38. It is believed that independent claim 38 is patentably distinguishable over the cited art.

With reference to dependent claim 4, Savitzky fails to disclose defining the communication path between the network site and the sender printer including registering the network site with the sender printer. Savitzky states “the kiosk 504 will then download the images stored on image memory card 502 and upload them, through Internet 510 to a pre-specified image server 512, optionally generating captions and XML files on the fly describing the images to create pages such as illustrated in Figure 3” (see Savitzky at column 3, line 26-column 4, line 2). There is no registering of the network site with a printer, since Savitzky fails to disclose a printer or registering a network site with the printer.

With reference to dependent claim 5, Savitzky fails to disclose registering the network site with the sender printer and defining the network site to be a website. Savitzky does not disclose a printer and further does not disclose communication in the direction from the Internet to a printer.

With reference to dependent claim 6, Savitzky does not disclose defining a unique address associated with a website, and registering the website address with the sender printer. Savitzky discloses unidirectional communication from a hard drive of a computer to the Internet. Thus, Savitzky is incapable of providing communication from the Internet to a printer.

With reference to dependent claim 10, Savitzky does not disclose transferring an image to the sender printer. Rather, Savitzky discloses that the images are downloaded to a hard disk 102 or other mass storage device for image stored, rather than downloading the images to a printer (see Savitzky at column 2, lines 19-20).

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With reference to dependent claims 14 and 15, Savitzky does not disclose automatically posting the image to the network site includes registering the sender printer with the network site, and defining a printer network address which includes defining a unique address associated with the sender printer and registering the printer network address with the network site. Rather, the information which is uploaded through Internet 510 to a pre-specified image server in Savitzky is the images stored on image memory cart 502, as well as captions and XML files. Information regarding a sending printer or a unique address associated with the sender printer cannot be uploaded and registered since no printer is even included within Savitzky, and this type of information is not contemplated.

With reference to dependent claim 21, Savitzky does not disclose registering the sender information includes providing a user name and a password of the sender, and the printer network address for the sender printer. Savitzky does not disclose any reference to a password or a printer network address, since no printer is disclosed and kiosk system 500 of Savitzky is incapable of receiving input information other than digital images, captions, and XML files.

On page 13 of the Office Action, the Examiner rejected independent claim 28 under 35 U.S.C. §103(a) as being unpatentable over Savitzky and Fredlund. Independent claim 28 has been amended to clarify the claimed invention. Claim 28 includes a system for automated posting of an image sent to a printer to a network site comprising a sender printer configured to receive the image for printing and configured to automatically post the image to the website according to a predefined posting criterion.

Neither Savitzky nor Fredlund disclose a printer configured to both receive an image for printing and configure to automatically post the image to a website according to a predefined posting criteria. Savitzky does not disclose any type of printer, and the only reference to a printer in Fredlund is a generic reference indicating that digital images may be printed at a local retail kiosk. As such, one skilled in the art cannot combine the teachings of Savitzky and Fredlund and arrive at the invention of claim 28. Therefore, it is believed that independent claim 28 is patentably distinguishable over the prior art of record.

On pages 15-24 of the Office Action, the Examiner rejected claims 18, 22, 23, 30-33, 35, and 36 under 35 U.S.C. §103(a) as being unpatentable over Savitzky and Fredlund as applied to claims 5, 17, 19, and 28 above, and further in view of "ImageWeb integrated

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printer web server". Claims 18, 22, 23, 30-33, 35, and 36 are all dependent claims which depend from either independent claim 1 or independent claim 28. As previously discussed, it is believed that independent claims 1 and 28 are patentably distinguishable over the cited art of record. Therefore, it is believed that dependent claims 18, 20, 23, 30-33, 35, and 36 are also patentably distinguishable over the cited art of record.

On page 24 of the Office Action, the Examiner rejected claims 39-42 under 35 U.S.C. §103(a) as being unpatentable over "ImageWeb" in view of Savitzky. Independent claim 39 includes a sender interface for use in automatically posting an image, which is printed to a sender printer, to a network site, comprising printing options for selecting print criterion for printing the image on the sender printer and posting options for selecting posting criterion for posting the image from the sender printer to the network site when the image is received by the sender printer for printing.

As previously discussed, Savitzky does not disclose a sender printer, or generically a printer. In addition, Savitzky does not disclose posting options for selecting posting criteria for posting the image from the sender printer to the network site when the image is received by the sender printer for printing, as claimed. Savitzky merely discloses uploading digital images and, optionally, captions and XML files. No posting options for a selecting posting criteria are taught, shown, or disclosed in Savitzky. Therefore, it is believed that independent claim 39 is patentably distinguishable over the cited prior art. In addition, it is believed that dependent claims 40-42, which depend from independent claim 39 are patentably distinguishable over the cited prior art.

### **CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-43 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-43 is respectfully requested.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Jeff D. Limon at Telephone No. (541) 715-5979, Facsimile No. (541) 715-8581 or Michael R.

**Amendment and Response**

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Serial No.: 10/037,867

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Docket No.: 10006775-1

Title: NETWORK SYSTEM AND METHOD FOR AUTOMATIC POSTING OF DIGITAL IMAGES

Binzak at Telephone No. (612) 573-0427, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

**Hewlett-Packard Company**  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, Colorado 80527-2400

Respectfully submitted,

Travis J. Parry,

By their attorneys,

DICKE, BILLIG & CZAJA, PLLC  
Fifth Street Towers, Suite 2250  
100 South Fifth Street  
Minneapolis, MN 55402  
Telephone: (612) 573-0427  
Facsimile: (612) 573-2005

Date: May 26, 2005  
MRB:jmc

Michael R. Binzak  
Michael R. Binzak  
Reg. No. 38,081

**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26<sup>th</sup> day of May, 2005.

By Michael R. Binzak  
Name: **Michael R. Binzak**